



City of  
**Rockville**  
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## **Planning Commission Staff Report Final Record Plat Application PLT2012-00513**

**MEETING DATE:** November 9, 2011

**REPORT DATE:** November 2, 2011

**FROM:** Margaret M. Hall, Planner II  
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**APPLICATION DESCRIPTION:** Ownership Plat,  
for the division of a single  
record lot into two Ownership  
Lots.

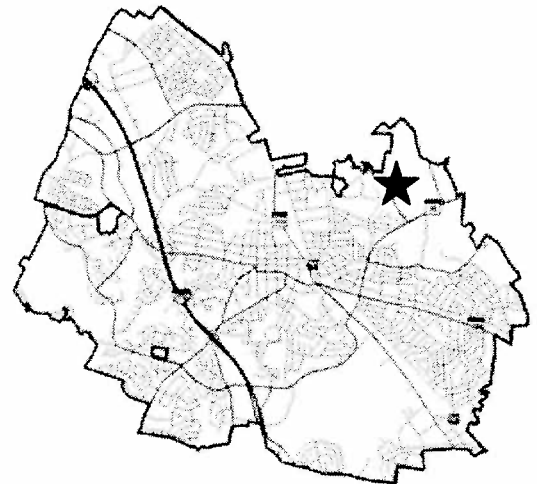
**PROPERTY LOCATION:** 1 & 2 Taft Court

**APPLICANT:** Rob Borris  
1 & 2 Taft LLC  
c/o Corinthian Realty Partners  
P.O. Box 126  
Great Falls, Virginia 22066

**FILING DATE:** October 4, 2011

**RECOMMENDATION:** Approval, subject to the conditions noted on page 4 of the Staff Report.

**REQUEST:** The applicant proposes to divide the existing record lot into two ownership lots for separate ownership and/or financing.



**PROJECT/SITE INFORMATION:**

**Location:** 1 and 2 Taft Court  
**Land Use Designation:** Restricted Industrial/Office Park  
**Zoning District:** MXB, Mixed Use Business  
**Plat Area:** 121,235 Square Feet or 2.78316 Acres  
Ownership Lot 4-A – 63,800 Square Feet  
Ownership Lot 4-B – 57,435 Square Feet  
**Current Use :** Vacant  
**Proposed Use:** Single-Unit Detached Residential

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	MXB, Mixed-Use Business	Restricted Industrial/Office Park	Office/Lab
South	MXB, Mixed-Use Business	Restricted Industrial/Office Park	Office/Lab
East	Park	Public Park and Open Space	Golf Course
West	MXB, Mixed-Use Business	Restricted Industrial/Office Park	Offices/Labs, Indoor Recreation and Auto Parts Wholesaler

**PREVIOUS RELATED ACTIONS:** Use Permit Application USE1982-00245 – For development of the 121,232 square foot record lot with two, two-story office/research and development buildings totaling 63,650 square feet of gross floor area.

**ANALYSIS:**

**Project Proposal**

The applicant proposes to divide the record lot into two Ownership Lots to facilitate the separate ownership of the buildings as well as separate financing.

## **Property Description and Background**

The property was approved for development with Use Permit Application USE1982-00245 on August 18, 1982. The 121,232 square foot record lot abuts the Redgate Golf course to the east and is otherwise mostly surrounded by similar office/lab/research and development uses on the other three sides, except for the indoor recreation and auto parts wholesaler uses located in the former Wheel-a-While roller skating building at 1632 East Gude Drive.

The property is a five sided lot that has very little frontage on Taft Court. Instead of developing the oddly shaped lot with a square or rectangular building, the property was developed with two v-shaped buildings. Very little of the remainder of the lot is covered with landscaping or trees. Except for a few spots adjacent to the building and in a parking island, the trees are mostly planted along the perimeter of the property with parking taking up the rest of the lot for the 222 provided parking spaces, of which 212 are required to meet the parking standards.

## **Master Plan Recommendation**

The Comprehensive Master Plan recommends the property for Restricted Industrial and Office Use. Ownership Plats are not subdivision and do not affect the type of uses that may occupy a site. In this case, the buildings were approved for development in 1982 and, since construction, have been occupied by uses envisioned by the Plan and approved for the zone. The only result of the approval of this application will be that the buildings can be financed or owned separately.

## **Zoning Compliance**

The proposal complies with the requirements for an Ownership Plat listed in Section 25.21.13 of the Zoning Ordinance. The lots shown on an Ownership Plat do not constitute a resubdivision of the original record lot, as it only achieves a division of the property for either financing or separate ownership, where the resubdivision into record lots is not feasible. The findings for creating Ownership Lots is evaluated in the "Required Findings" section below.

## **Forest /Tree Preservation**

An Ownership Plat does not constitute subdivision and, as such, is not subject to the Forest and Tree Preservation Ordinance.

## **Water Service**

City Code requires that each building have its own metered water service directly from the water main. During review of this plat, it was discovered by the Department of Public Works that there is only one water meter serving this property. These requirements are not part of the Zoning Ordinance and Section 25.21.13.c is specific in that "conditions attached to the approval of the ownership plat as may be reasonable and necessary to assure that the

proposed ownership plat will be consistent with the purposes and intent of this Chapter,” meaning the Zoning Ordinance. As a result, the correction of this situation cannot be tied to action taken on this plat. However, it is however recommended that the owner/owners of this property contact the Department of Public Works for details on this requirement, it may be required at any time.

### **Recommended Conditions**

1. That the Ownership Plat be revised to make modifications/additions, as identified by Planning Commission or staff.
2. That the Ownership Plat be submitted in an appropriate electronic format as specified in Section 25.21.10.d of the City of Rockville Zoning Ordinance.

### **Required Findings**

Section 25.21.13.b, Findings related to Ownership Plats provides that “where more than one (1) building or building component exists, or is to be located, on a tract of land, the Planning Commission may approve an ownership plat if the Commission finds all of the following.”

1. **The land is located in a zone other than the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 Zones, except that an Ownership Plat is permitted in the previously mentioned zones if the property contains or is approved for a use other than single-unit detached residential. The property is located in the MXB Zone;**
2. **The Ownership Plat is reasonably necessary to accommodate the financing or separate ownership of a building or group of building or buildings components on the tract of land.** As noted in the attached Project Description submitted by the applicant, the purpose is to accommodate separate financing and ownership of the two buildings and their parking on an existing single record lot;
3. **The subdivision into individual record lots for each building or building component is not feasible because:**
  - (a) **Setback, open space or lot size requirements or other development standards of the zone reasonably preclude such subdivision.** It is not possible on this property, as it is currently developed, to divide the parking and drive aisles between the two buildings as well as provide frontage on Taft Court. As a result, the Ownership process is the only option available to sell or separately finance one of the buildings;
  - (b) **Amenity features required in the zone or pursuant to an approved use permit or site plan for the tract are designed to serve the various buildings or building components, or other design feature of the project are integrated among the buildings or components.** The property was developed when there were no requirements for open space or forestry;
  - (c) **Density calculations or bonus densities allowed in the zone and approved in a use permit or site plan are based on the area of the entire tract.** There were

limitations on floor area ratio (F.A.R.) at the time the property was developed. Currently, there is no limitation on F.A.R.; or

- (d) **The creation of ownership lines or financing lines is intended principally to accommodate the separate ownership or financing rather than its formal subdivision.** In this case, resubdivision to accommodate the sale or financing of one of the buildings is not an option. As a result, an Ownership Plat affords the property owner with the ability to separately finance or sell off one of the buildings, as proposed in the submitted project description. In order to assure compliance with the Zoning Ordinance on the underlying record lot, the Ownership process requires that the property remain governed by a single Use Permit or Site Plan; and;

4. **The Ownership Plat:**

- (a) **Will not constitute a violation of any provision of this Chapter or other applicable law.** Resubdivision of the property would result in violations to many portions of the Zoning Ordinance. Just drawing lines on the underlying record lot for separate financing or ownership does not affect the conditions on the property and does not constitute a violation of any provision of the Zoning Ordinance or other applicable law;
- (b) **Will not violate or adversely affect the Plan.** The plan calls for mixed-use businesses on this property. As approved in the original use permit, this property must continue to be occupied by offices, research and development uses and laboratories. As such, allowing this property to be divided into Ownership Lots will not violate or adversely affect the Plan;
- (c) **Will not be unsuitable for the type of development, the use contemplated, and available public utilities and services.** Approving the proposed Ownership Plat will not create any condition where the development, the use contemplated or public utilities and services are affected because the development, use and services are already established; or
- (d) **Will not adversely affect the health or safety of persons residing or working in the neighborhood.** The Ownership Plat will in no way adversely affect the health or safety of persons residing or working in the neighborhood because it basically amounts to lines on the property's plat to delineate separate portions for either ownership or financing purposes. On the property there will be no indication that anything has changed and, as a result, the proposed Ownership Plat will not adversely affect the health or safety of persons residing or working in the neighborhood.

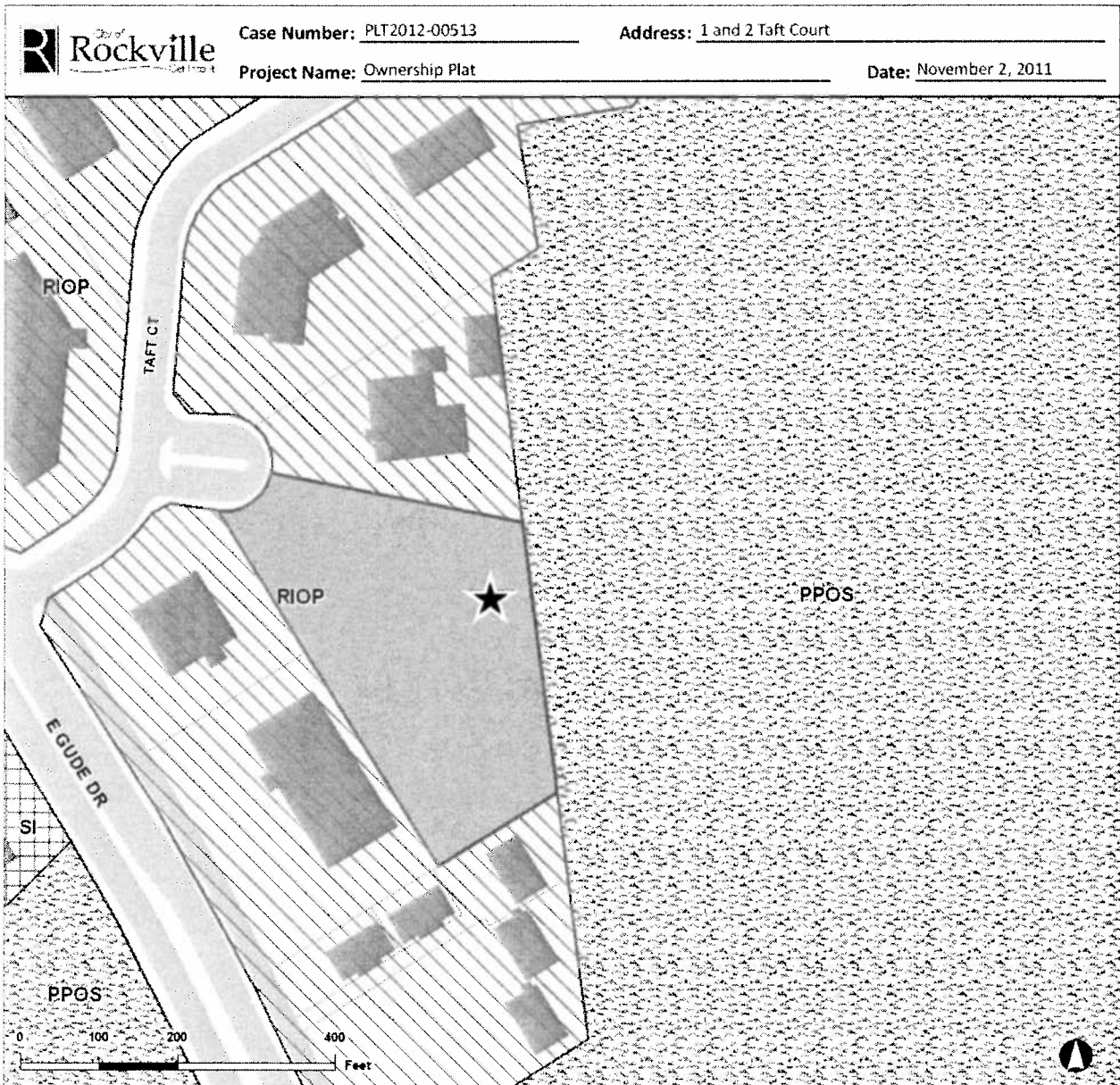
**NOTIFICATION:**

Notification is not required for an Ownership Plat.

**ATTACHMENTS:**

Attachment 1-1	Aerial Map
Attachment 2-1	Land Use Map
Attachment 3-1	Zoning Map
Attachment 4-1	Application's Project Description
Attachment 5-1	Proposed Plat
Attachment 6-1	Exhibit showing buildings and proposed lot lines



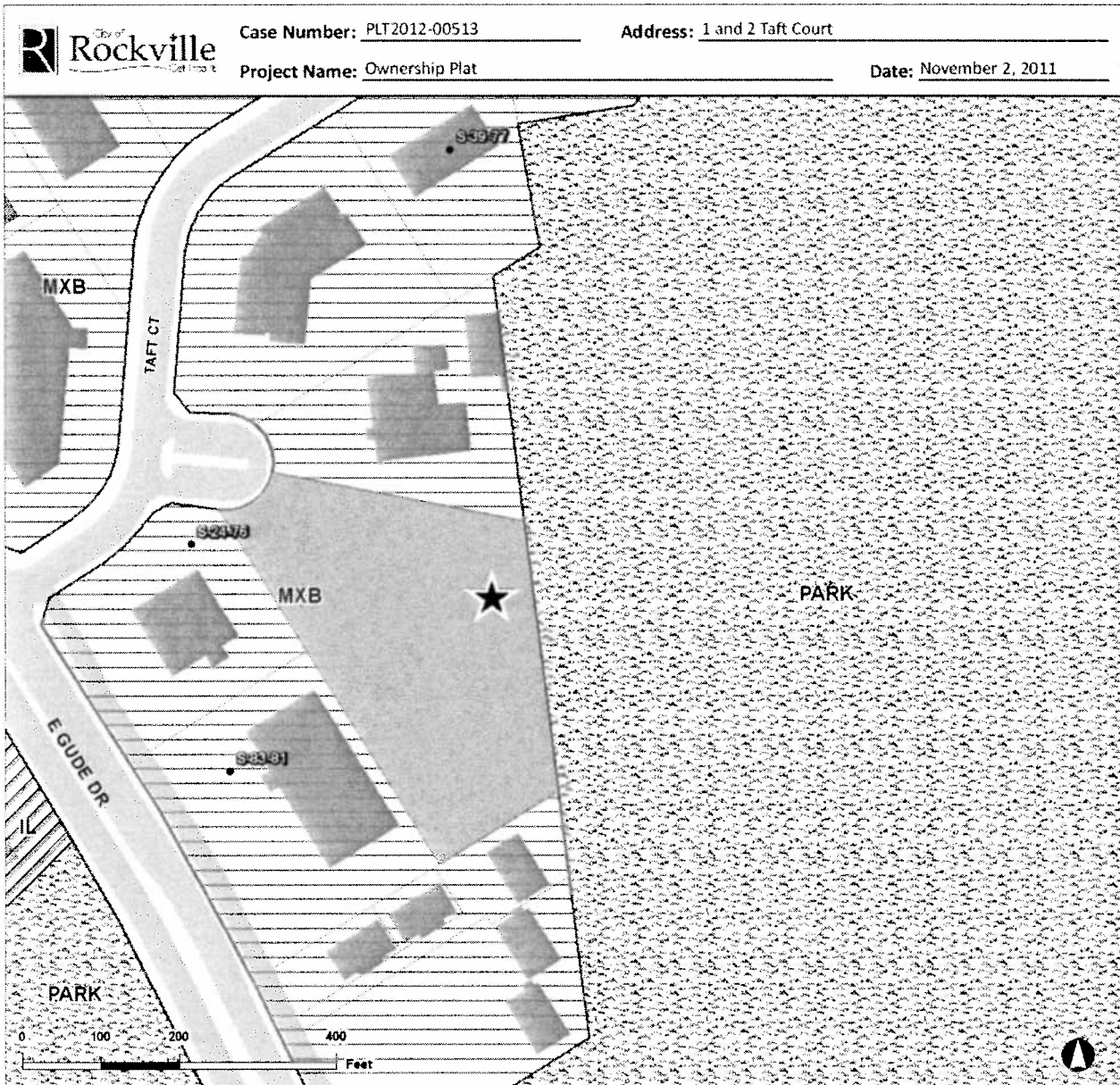


### Legend

☆ Project Location

DRL - Detached Residential (Low Density - Less than 2.5 units per acre)	PRSFA - Preferred Residential - Single-family Attached	PBF - Public Buildings and Facilities
DRM - Detached Residential (Medium Density - 2.5 to 4 units per acre)	PRSFAD - Preferred Residential - Single-family Attached/Detached	PI - Public and Institutional
DRH - Detached Residential (High Density - Over 4 units per acre)	PRMF - Preferred Residential - Multi-Family	I - Institutional
AR - Attached Residential	PC - Preferred Commercial	PRCA - Private Recreational and Conservation Area
GA - Garden Apartments	POLW - Preferred Office/Live Work Space	POS - Private Open Space
HRA - High Rise Apartments	PO - Preferred Office	PPOS - Public Park and Open Space
NC - Neighborhood Commercial	MUPD - Mixed Use Preferred Office	CDP - Comprehensive Planned Development
GC - General Commercial	MUPR - Mixed Use Preferred Residential	RPR - Rockville Pike Residential
EC - Entertainment Corridor	MR - Mixed Residential	RPCMUD - Rockville Pike Corridor Mixed-Use Development
SI - Service Industrial	MUC - Mixed Use Commercial	RRW - Rail Right of Way
RIOP - Restricted Industrial/Office Park	MUD - Mixed Use Development	
PRSFDD - Preferred Residential - Single-family Detached	MUI - Mixed Use Industrial	





★ Project Location

### Legend

- |  |                                     |  |
|--|-------------------------------------|--|
| R-400 - Residential Estate                                   | RMD-10 - Residential Medium Density | MXC - Mixed-Use Commercial               |
| R-200 - Suburban Residential                                 | RMD-15 - Residential Medium Density | MXCD - Mixed-Use Corridor District       |
| R-150 - Low Density Residential                              | RMD-25 - Residential Medium Density | MXE - Mixed-Use Employment               |
| R-90 - Single Unit Detached Dwelling, Restricted Residential | PD - Planned Development            | MXNC - Mixed-Use Neighborhood Commercial |
| R-75 - Single Unit Detached Dwelling, Residential            | IL - Light Industrial               | MXT - Mixed-Use Transition               |
| R-60 - Single Unit Detached Dwelling, Residential            | PARK - Park Zone                    | MXTD - Mixed-Use Transit District        |
| R-40 - Single Unit Semi-detached Dwelling, Residential       | MXB - Mixed-Use Business            | • Special Exceptions                     |
| Clusters   | Historic Preservation Parcels       | Twinbrook Metro Performance District     |
| Planned Developments   | Lincoln Park Conservation Overlay   | Town Center Performance District         |

PLT2012- \_\_\_\_\_

Ownership Plat Proposed Lots 4A and 4B, Block A, RedGate Industrial Park

1 and 2 Taft Court, Rockville

Project Description

The Property is Lot 4, Block A, Red Gate Industrial Park per Plat No. 11503. The Property is improved with two office buildings and a parking lot constructed per Use Permit USE1982-000245 with addresses of 1 and 2 Taft Court.

The purpose of the ownership plat is to create two ownership lots to accommodate separate financing and ownership rather than formal subdivision, with each ownership lot encompassing one office building and associated parking. Proposed Ownership Lot 4A is approximately 62,600 square feet (1.4371 acres) for 1 Taft Court office building. Proposed Ownership Lot 4B is approximately 58,635 square feet (1.34606 acres) for 2 Taft Court office building

A sufficient number of parking spaces are provided on each proposed ownership lot to satisfy the minimum parking requirements for each building.

An Ownership Plat Declaration of Covenants to be recorded concurrently with the ownership plat provides for cross easements for access, utilities, parking and signage as well as includes certain affirmative covenants and standard City provisions regarding zoning compliance and City rights.

The proposed ownership plat is: 1) in compliance with the Zoning Ordinance and applicable law; 2) will not violate the City Comprehensive Master Plan; 3) is suitable for office development where multiple buildings have been constructed on one lot and the improvements are adequately served by public utilities and services; and 4) will result in no change to the current improvements and operations which have not adversely affected the health or safety of persons residing or working in the neighborhood.

